

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Michael Slivka et al. Confirmation No. 7650  
Serial No. : 10/676,868 Art Unit: 1651  
Filed : September 30, 2003 Examiner: L.B. Lankford, Jr.  
For : METHODS FOR TREATMENT OF DEFECTS IN THE  
INTERVERTEBRAL DISC

<b>CERTIFICATE OF ELECTRONIC FILING</b>	
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February 27, 2008	Theodore J. Shatynski
<b>Date of Transmission and Signature</b>	<b>Name of Applicant, Assignee, or Registered Representative</b>
/Theodore J. Shatynski/	
Signature	

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT**

**APPEAL BRIEF (37 C.F.R. 41.37)**

Dear Sir:

This is in response to the Notification of Non-Complaint Appeal Brief mailed February 14, 2008 for which a response is due by March 14, 2008. Accordingly, this response is timely filed.

S.N. 10/676,868  
DEP-5170USNP  
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This response identifies the status of all claims on appeal as follows:

3. STATUS OF CLAIMS

3.1 Claims 1, 4-12 and 14-41 stand rejected under 35 U.S.C. §112 as failing to comply with the enablement requirement. Claims 1, 4-12, and 14-41 are being appealed.

S.N. 10/676,868  
DEP-5170USNP  
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Reconsideration of this appeal in view of the appropriate correction is respectfully requested.

The Commissioner is hereby authorized to charge the fees required under 1.171(f) for any additional fees which may be required, or credit any overpayment to Account No. 10-0750/DEP-5170USNP/TJS.

Respectfully submitted,

/Theodore J. Shatynski/  
Theodore J. Shatynski  
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Dated: February 27, 2008  
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